

FILED

JAN 23 2004

JAMES BONINI, Clerk
CINCINNATI, OHIO**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION****WILLIAM KIRKLAND
1335 Compton Road # 6
Cincinnati, Ohio 45231
Plaintiff,****Case No. C-1-02-364****AFFIDAVIT OF
WILLIAM KIRKLAND****V.****CHARLIE LUKEN, et al.,
Defendants,**

Now come the affiant, William Kirkland, under oath and based on personal knowledge states as follows:

1. On May 23, 2001, I William Kirkland, along with, "General" Kabaka Oba, and "General" Nikki X members of The Black Fist; Robert Meyers, (a white citizen), and James Thomas, (a Black citizen) along with a host of known and unknown citizens attended a regular weekly scheduled, public session of the Cincinnati City Council Meeting.
2. I personally observed Mr. Robert Meyers, address council during the non-agenda items portion of the City Council Meeting.
3. During Mr. Meyers address, I personally observed him leave the podium with out the prior approval of Mayor Charlie Luken, who was chairing the meeting.
4. I personally observed Mr. Meyers approach the Mayor and each member of Council to present them with documents while he continued speaking.
5. I personally observe numerous citizen raise verbal objections to the Mayor allowing the "white" citizen Robert Meyers to approach him and the council without prior permission.

6. I personally observed Mayor Charlie Luken apologize to Mr. Meyers about the citizen's outburst as Mayor Luken told Mr. Meyers to continue.
7. I personally observed Mr. Meyers finish passing out documents and return to the podium whereby he went over the allotted two-minute speaking time limit.
8. I personally observed Mayor Charlie Luken warn Mr. Meyers that he had exceeded the two-minute time limit, however Mr. Meyers continued to speak without interference from Sgt. Gladden.
9. I personally observed Mr. Meyers continued to speak without being silenced or removed from council chambers, or being unlawfully arrested.
10. On May 23, 2001 I, William Kirkland, complied with the customary procedure to be recognized to speak on a non-agenda item completing a speakers card and notating on the card his subject matter would be the "N"- Nati Ed. Campaign.
11. I was called to the podium by Mayor Luken. As I began to speak, I asked the Mayor with a drawl "you sure you wants me to speaks Mr. Charlie?" "all these blacks mans coming up here talking likes we's free, talking bouts boycottin A Taste of Cincinnati, this an't Cincinnati this is "Nigganati".
12. I was admonished by the Mayor as he ordered Sgt. Gladden to "remove Mr. Kirkland".
13. Sgt. Gladden approached me at the podium, turned off the microphone and attempted to remove me.
14. I stepped away from the podium and walked toward the Mayor's chair which was on top of a raised platform, inaccessible to the public.

15. As I was speaking without the benefit of a microphone I raised my voice loudly to be sure I was heard.
16. Prior to the exhaustion of my two minute for speaking Mayor Charlie Luken continued to order Sgt. Gladden to "remove Mr. Kirkland".
17. Prior to the end of the two-minute time limit Sgt. Gladden executed Mayor Charlie Lukens's command to "remove Mr. Kirkland".
18. Having been silenced by Mayor Charlie Luken, and removed from the Council Chambers by Sgt. Emmett Gladden, we waited in the hallway outside the council chambers as Mayor Luken called James Thomas to the speakers podium.
19. During the course of his presentation, Mr. Thomas stated he agreed with the comments of William Kirkland and cursed at mayor Luken calling the Mayor's actions "bullshit".
20. At no time did Mayor Luken rule Mr. Thomas's comments, or his expressive conduct, out of order.
21. Sgt. Gladden then escorted me to an office where I was ultimately arrested by Police officer Mark Sneed.
22. I observed or heard all of these actions and they took place with the approval and under the watchful eye of City Prosecutor Terry Cosgrove.
23. Affiant further states : On or about June 27, 2001 I William Kirkland was speaking before a regular scheduled public session of the Cincinnati City Council Meeting when I was called to the podium by Mayor Luken .

24. I had personally observe citizen General Nikki X state moments earlier to "stop acting like clowns, Phil Heimlich". I personally observed no response from Councilmember Heimlich regarding General Nikki X's comment however I personally heard Councilwoman Alicia Reece's unprofessional agitated response.
25. While at the podium with the permission of the chair, Mayor Luken, I began to speak. I said "if you're not a clown stop acting like one", and "stop pandering to white people" at which time I observed the Vice Mayor go off on an agitated, delirious, unprofessional tirade against me. I personally observed Mayor Luken and Vice Mayor Alicia Reece simultaneously violate my free speech rights and silence me from continuing my speech.
26. At all relevant times I was a citizen, and resident of the City of Cincinnati, Ohio.
27. At all relevant times I was an official candidate for Cincinnati City Council and this was public knowledge.
28. At all times I was personally embarrassed and publicly humiliated by the Mayor's, and Vice Mayor's constitutional and statutory violations.
29. At all relevant times I was aware of the City of Cincinnati Rules of Council adopted by the Cincinnati City Council under the authority of the Charter of the City of Cincinnati.
30. I hereby acknowledge that the Rules of Council document I propose to obtain from the State Court and introduce as evidence, which is maintained as a public record with the City of Cincinnati Clerk of Council Melissa Autry, will reflect **more pertinent** portions of the City of Cincinnati Rules of Council adopted by the City of Cincinnati City Council under the authority of the charter of the City of Cincinnati as of May 23, 2001, and in still effect on June 27, 2001.
31. **Affiant further states :** Every since the appointment of Thomas Striecher as City of Cincinnati's Chief of Police, up to and including the relevant times in this affidavit until the present time, I have warned, advised, and protested directly to the Chief of Police, Mayor Charlie Luken, Vice Mayor Alicia Reece, and the entire Cincinnati City Council, in person, the Chief continuing to allow his police officers to commit unjust acts of violence, rape, sexual bribery, abuses,

and acts of brutality, unjust arrest, arrest without reasonable suspicion, or probable cause, and malicious prosecution against citizens of the city of Cincinnati, as well as police misconduct against William Kirkland. *Affiant*

32. Affiant has observed the City of Cincinnati, Chief Streicher as the executive in charge of the City of Cincinnati Police Division, and the City Council by and through its failure to supervise its City Manager its Chief of Police, its Chief of Police failure to supervise his subordinate officers, continue to adopt, acquiesce, and ratify a policy that allows the Cincinnati Police Division to indiscriminately exercise unlawful police powers against citizens who appear at city hall and who speak against the Chief of Police, Mayor, and Vice Mayor, and City Council.

Further Affiant sayeth naught.

William Kirkland

/s/ *William Kirkland*

SWORN TO AND SUBSCRIBED IN MY PRESENCE THIS 23 day of January, 2004

JULIE MYERS
NOTARY PUBLIC, STATE OF OHIO
My Commission Expires 10-13-08

Julie Myers
NOTARY PUBLIC